

October 31, 1968

MEMORANDUM

TO: Boston Redevelopment Authority
FROM: Hale Champion, Development Administrator
SUBJECT: BOARD OF APPEAL REFERRALS

Re: Petition No. Z-1271
Adanac Realty Co. Inc.
155-157 Washington Street, Dorchester

Petitioner seeks a change in a non-conforming use and a variance of insufficient off-street parking to change occupancy from an office and warehouse to the manufacturing and assembling of electronic equipment in a Residential (R-.8) and Local Business (L-1) district. The proposal would violate the code as follows:

Sect. 9-2 A change in a non-conforming use
requires a Board of Appeal hearing.

Sect. 23-5 Off-street parking is insufficient

Req'd.

Proposed

15 spaces

10 spaces

The property, located on Washington Street near the intersection of Washington and Columbia Road, contains a one story concrete structure which was formerly used as a public garage. The area is presently congested with commercial and residential traffic and the proposal would further intensify this traffic condition. The proposed use is incompatible with the residential structure of the neighborhood.
Recommend denial.

VOTED: That in connection with Petition No. Z-1271 brought by Adanac Realty Co. Inc., 155-157 Washington St., Dorchester, for a change in a non-conforming use and a variance of insufficient off-street parking to change occupancy from an office and warehouse to the manufacturing and assembling of electronic equipment in a Residential (R-.8) and Local Business (L-1) district, the Boston Redevelopment Authority recommends denial. The proposed use is incompatible with the residential character of the neighborhood and would further intensify the existing traffic congestion.

Re: Petition No. Z-1272

Jenney Manufacturing Company
1569-71 Blue Hill Av., Mattapan

Petitioner seeks a conditional use permit and a variance of insufficient rear yard to erect a one story inspection bay addition to an existing gas service station in a Local Business (L-.5) District. The proposal would violate the code as follows:

	<u>Req'd.</u>	<u>Prop.</u>
Sect. 8-6 A change in a pre-existing conditional use requires a Board of Appeal hearing.		
Sect. 20-1 Rear yard is insufficient	20 ft.	9 ft.

The property, located on Blue Hill Avenue near Mattapan Square, contains an existing gas service station. The petitioner proposes to erect an inspection bay at the rear of the structure. The proposal would provide a beneficial service to the area and would not unreasonably affect the adjacent properties. Recommend approval.

VOTED: That in connection with Petition No. Z-1272, brought by Jenney Manufacturing Company, 1569-71 Blue Hill Avenue, Mattapan, for a conditional use permit and a variance of insufficient rear yard to erect a one story inspection bay addition to an existing gasoline service station in a Local Business (L-.5) District, the Boston Redevelopment Authority recommends approval. The proposal is a reasonable use of land and would not unreasonably affect the adjacent properties.

Re: Petition No. Z-1277

Franklin Realty Trust

30 Edgewater Drive, Mattapan

Petitioner seeks a change in a non conforming use and a variance of insufficient rear yard to erect a one story addition to the existing masonry structure and change the occupancy from retail and wholesale bakery to sales and installation of tires in a Residential (R-.5) District. The proposal would violate the code as follows:

	<u>Req'd.</u>	<u>Prop.</u>
Sect. 9-2 A change in a non conforming use requires a Board of Appeal hearing		
Sect. 20-1 Rear yard is insufficient	40 ft.	1 ft.

The property, located on Edgewater Drive near Mattapan Square, contains an existing automatic laundry facility. The structure was formerly occupied as a bakery. The proposed commercial use is incompatible with the two family residential character of the neighborhood. Recommend denial.

VOTED: That in connection with Petition No. Z-1277, brought by Franklin Realty Trust, 30 Edgewater Drive, Mattapan, for a change in a non-conforming use and a variance of insufficient rear yard to erect a one story addition to the existing masonry structure and change the occupancy from retail and wholesale bakery to sales and installation of tires in a Residential (R-.5) District, the Boston Redevelopment Authority recommends denial. Although the legal occupancy is recorded as a bakery, it is presently occupied as an automatic laundry. The proposed commercial use is incompatible with the two family residential character of the neighborhood.

Re: Petition No. Z-1278-Z-1281
 R. E. Cunniff Inc.
 100-102-104-106 Turtle Pond Parkway,
 Hyde Park

Petitioner seeks four forbidden use permits and multiple variances to erect four-two story and basement - 30 unit - apartment structures in a Single Family (S-.5) District. The proposal would violate the code as follows:

	<u>Req'd.</u>	<u>Prop.</u>
<u>100 Turtle Pond Parkway - 30 units</u>		
Sect. 8-7 A 30 unit apartment structure is forbidden in an S-.5 District.		
Sect. 14-2 Lot area for additional dwelling unit is insufficient	4000sf/du	1555sf/du
Sect. 14-5 Unobstructed access to rear building is insufficient	50 ft.	20 ft.
Sect. 14-5 Distance between buildings is insufficient	100 ft.	25 ft.
Sect. 15-1 Floor area ratio is excessive	0.5	0.55
Sect. 18-1 Front yard is insufficient	30 ft.	15 ft.
Sect. 19-1 Side yard is insufficient	12 ft.	0
<u>102 Turtle Pond Parkway - 30 units</u>		
Sect. 8-7 A 30 unit apartment structure is forbidden in an S-.5 District		
Sect. 14-2 Lot area for additional dwelling unit is insufficient	4000sf/du	1555sf/du
Sect. 14-5 Unobstructed access to rear building is insufficient	50 ft.	20 ft.
Sect. 14-5 Distance between buildings is insufficient	100 ft.	28 ft.
Sect. 15-1 Floor area is excessive	0.5	0.55
<u>104 Turtle Pond Parkway - 30 units</u>		
Sect. 8-7 A 30 unit apartment structure is forbidden in an S-.5 District.		
Sect. 14-2 Lot area for additional dwelling unit is insufficient	4000sf/du	1555sf/du
Sect. 14-5 Unobstructed access to rear building is insufficient	50 ft.	20 ft.
Sect. 14-5 Distance between buildings is insufficient	100 ft.	28 ft.
Sect. 15-1 Floor area ratio is excessive	0.5	0.55
Sect. 19-1 Side yard is insufficient	12 ft.	0

106 Turtle Pond Parkway - 30 units

		<u>Req'd.</u>	<u>Prop.</u>
Sect. 8-7	A 30 unit apartment building is a forbidden use in an S-.5 District.		
Sect. 14-2	Lot area for additional dwelling unit is insufficient	4000sf/du	1555sf/du
Sect. 14-5	Unobstructed access to rear building is insufficient	50 ft.	20 ft.
Sect. 14-5	Distance between buildings is insufficient	100 ft.	28 ft.
Sect. 15-1	Floor area is excessive	0.5	0.55
Sect. 18-1	Front yard is insufficient	30 ft.	10 ft.

The property, located on Turtle Pond Parkway at the intersection of Turtle Pond Parkway and Upton Street opposite the Stony Brook Reservation, contains 4.2 acres of vacant land. The proposed multi-family development would be incompatible with the surrounding single family residences. The many violations reflect the unreasonableness of the proposal. There are no special circumstances or conditions present on the land to justify the granting of the variances. Recommend denial.

VOTED: That in connection with Petitions Nos. Z-1278-Z-1281, brought by R. E. Cunniff, Inc., 100-102-104-106 Turtle Pond Parkway, Hyde Park, for four forbidden use permits and variances of insufficient lot area for additional dwelling unit, unobstructed access to rear buildings, distance between buildings, front yards, side yards and excessive floor area ratio, to erect four two story and basement - 30 unit - apartment buildings in a Single Family (S-.5) District, the Boston Redevelopment Authority recommends denial. The proposed development would be incompatible with the surrounding single family residences. There are no special circumstances or conditions present on the land to justify the granting of the variances.

Re: Petition No. Z-1282
David B. Hollis, Jr.
55 Antwerp Street, Brighton

Petitioner seeks an extension of a non-conforming use to erect a one story storage addition to an existing warehouse in a Residential (R-.8) district. The proposal would violate the code as follows:

Sect. 9-1 An extension of a non-conforming use requires
a Board of Appeal hearing.

The property, located on Antwerp Street near the intersection of Antwerp and Lincoln Streets, contains a one story concrete public warehouse which has existed at this location for many years. The lot is approximately 105,000 square feet in size and is situated within an existing residential neighborhood. The staff has no objection to the on-site expansion, however, recommends that the petitioner provide suitable landscape screening (i.e., trees or shrubs) around the periphery of the property to minimize the visual impact on the residential area. Recommend approval.

VOTED: That in connection with Petition No. Z-1282, brought by David B. Hollis, Jr., 55 Antwerp Street, Brighton, for an extension of a non-conforming use to erect a one story storage addition to an existing public warehouse in a Residential (R-.8) district, the Boston Redevelopment Authority recommends approval on the condition that petitioner provide suitable landscaping (i.e., trees or shrubs) around the periphery of the property. The landscape screening would serve to minimize the visual impact of this occupancy upon the existing residential area.

Re: Petition No. Z-1283
Joseph M. Raymon
8 Eastburn Street, Brighton

Petitioner seeks a Forbidden Use Permit and a variance of insufficient front yard to change occupancy from a two family dwelling to a one family dwelling and a beauty shop in a Residential (R-.5) district. The proposal would violate the code as follows:

	<u>Req'd.</u>	<u>Proposed</u>
Sect. 8-7 A beauty shop is a Forbidden Use in an R-15 district.		
Sect. 18-1 Front yard is insufficient	25 ft.	14 ft.

The property, a 2½ story frame dwelling, is located on Eastburn Street near the intersection of Eastburn and Washington Streets. The petitioner proposes to convert the first floor of the dwelling into a beauty shop and accessory storage. The proposal represents an undesirable intrusion of a commercial use into a one and two family residential neighborhood. The proposed use would generate additional on-street parking for which this narrow street could not support. Recommend denial.

VOTED: That in connection with Petition No. Z-1283, brought by Joseph M. Raymon, 8 Eastburn Street, Brighton, for a Forbidden Use Permit and a variance of insufficient front yard to change the occupancy from a two-family dwelling to a one family dwelling and beauty shop in a Residential (R-.5) district, the Boston Redevelopment Authority recommends denial. The proposal represents an undesirable intrusion of a commercial use into a one and two family residential neighborhood. The proposed use would generate additional on-street parking for which this narrow street could not support.

Re: Petition No. Z-1284
 St. John's-St. James' Episcopal Church
 149 Roxbury Street, Roxbury

Petitioner seeks a Conditional Use Permit and four variances to change occupancy from a nursing home to a day care facility, church, parish house, private club and erect a two story chapel addition in an Apartment (H-1) district. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 8-7	A day nursery is a Conditional Use in an H-1 district.		
Sect. 8-7	A parish house in an H-1 district requires a Board of Appeal hearing.		
Sect. 8-7	A private club in an H-1 district requires a Board of Appeal hearing.		
Sect. 14-2	Lot area for additional unit is insufficient	1000 sq.ft./du	920 sq.ft./du
Sect. 19-1	Side yard is insufficient	8.5 ft.	6.2 ft.
Sect. 20-1	Rear yard is insufficient	9.6 ft.	3.4 ft.
Sect. 23-2	Off-street parking is insufficient	23 spaces	2 spaces

The property, located on Roxbury Street near Eliot Square in the Campus High Area, contains a $3\frac{1}{2}$ story brick convalescent home. The proposed conversion to a church and parish house would be a significant improvement to the property and the neighborhood. The petitioner also proposes to erect a two story church wing which would function as a parish meeting hall seating approximately 180 people. The staff has assisted the church in the development of its plans and the proposal is in accordance with the preliminary plans for the area. It is the opinion of the staff that the parking deficiency can be minimized by the fact that a majority of the church membership is pedestrian and that the property is proximate to public transit. Recommend approval.

VOTED: That in connection with Petition No. Z-1284, brought by St. John's-St. James' Episcopal Church, 149 Roxbury Street, Roxbury, for a Conditional Use Permit and variances of insufficient lot area for additional unit, side, rear yards, and off-street parking to change occupancy from a nursing home to a day care facility, church, parish house, private club and to erect a two story chapel addition in an Apartment (H-1) district, the Boston Redevelopment Authority recommends approval. The proposed conversion to a church and parish house would be a significant improvement to the property and the neighborhood. The parking deficiency can be minimized by the fact that a majority of the church membership is pedestrian and that the property is proximate to public transit.

Re: Petition No. Z-1285
John E. Powers, Executor
145 Stoughton Street, Dorchester

Petitioner seeks a Forbidden Use Permit and two variances to change occupancy from a residence to a fuel oil sales office and the parking of oil trucks in a Residential (R-.8) and Local Business (L-.5) district. The proposal would violate the code as follows:

	<u>Req'd.</u>	<u>Proposed</u>
Sect. 8-7 Fuel oil office and sales is Forbidden in R-.8 & L-.5 districts.		
Sect. 16-1 Height of building is excessive	2½ stories	3 stories
Sect. 18-1 Front yard is insufficient	25 ft.	16 ft.

The property, located on Stoughton Street near the intersection of Stoughton and Pleasant Streets, contains a three story frame residence (no record of legal occupancy in the Building Department) and a two story barn in the rear. The petitioner proposes to utilize the dwelling as a fuel oil sales and service office and the barn for the parking of fuel oil trucks. The proposal would constitute an undesirable land use within the existing residential area and would adversely affect the abutting residential properties. Recommend denial.

VOTED: That in connection with Petition No. Z-1285, brought by John E. Powers, Executor, 145 Stoughton Street, Dorchester, for a Forbidden Use Permit and variances of excessive height of building and insufficient rear yard to change occupancy from a residence to a fuel oil sales office and parking of oil trucks in a Residential (R-.8) and Local Business (L-.5) district, the Boston Redevelopment Authority recommends denial. The proposal would constitute an undesirable land use within the existing residential area and would adversely affect the abutting residential property.

Re: Petition No. Z-1286

Boston Childrens Service Association
22 Elm Hill Avenue, Roxbury

Petitioner seeks a conditional use permit to change occupancy from a school to a social service unit in a Residential (R-.8) District. The proposal would violate the code as follows:

Section 8-7. A community center building in an R-.8 district requires a Board of Appeal hearing.

The property, located on Elm Hill Avenue near the intersection of Elm Hill Avenue and Warren Street in the Washington Park area, contains a vacant two story brick building which was formerly occupied as a private school. The building, which has been vacant for approximately 2 years, is apparently being remodelled. The proposed change in occupancy would be compatible to the area and would restore an abandoned building to a more productive community service. Recommend approval.

VOTED: That in connection with Petition No. Z-1286, brought by Boston Childrens Service Association, 22 Elm Hill Avenue, Roxbury, for a conditional use permit to change the occupancy from a school to a social service unit in a Residential (R-.8) District, the Boston Redevelopment Authority recommends approval. The proposed change in occupancy would be compatible to the area and would restore an abandoned building to a more productive community service.

Re: Petition No. Z-1287
George A. Ratner
99-101 Porter Street, East Boston

Petitioner seeks a forbidden use permit to change occupancy from a three car garage to a car rental office in a Local Business (L-1) District. The proposal would violate the code as follows:

Section 8-7. A car rental agency is forbidden in an L-1 District.

The property, located on Porter Street near the intersection of Porter and Paris Streets, contains a one story concrete structure formerly occupied as a three car garage. The proposed occupancy appears to have been in existence for several months and the petitioner in effect, is seeking to legalize this condition. The proposed occupancy would be compatible with existing small commercial uses in the area. Recommend approval.

VOTED: That in connection with Petition No. Z-1287, brought by George A. Ratner, 99-101 Porter Street, East Boston, for a forbidden use permit to change occupancy from a three car garage to a car rental agency in a Local Business (L-1) District, the Boston Redevelopment Authority recommends approval. The proposed occupancy appears to have been in existence for several months and the petitioner, in effect, is seeking to legalize this condition. The proposed occupancy would be compatible with existing small commercial uses in the area.

Re: Petitions Nos. Z-1294-Z-1295
 Harold Indursky
 501 & 510 Lincoln Street, Brighton

Petitioner seeks two forbidden use permits and multiple variances to erect (2) two story office and warehouse buildings in a Residential (R-.8) and Local Business (L-1) districts. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
<u>501 Lincoln Street</u>			
Sect. 8-7	A warehouse is Forbidden in an L-1 district		
Sect. 18-1	Front yard is insufficient	10 ft.	4 ft.
Sect. 19-1	Side yard is insufficient	10 ft.	3 ft.
Sect. 24-1	Off-street loading is insufficient	1 space	0

The property contains approximately 32,500 square feet of vacant land and is located in a Local Business (L-1) district between the wide expanse of Lincoln and Cambridge Streets and the residential district fronting on Empire Street. The proposed office structure would serve as a desirable transitional use between the major traffic artery and the residential neighborhood. The violations are minimal and the staff has no objection to the proposal provided, however, that the required loading bay be supplied. Recommend approval subject to above proviso.

510 Lincoln Street

Sect. 8-7	A warehouse-office is Forbidden in an R-.8 district		
Sect. 14-2	Lot area for additional unit is insufficient	1500 sq.ft./du	1204 sq.ft/du
Sect. 15-1	Floor area ratio is excessive	0.8	0.9
Sect. 18-1	Front yard is insufficient	25 ft.	.5 ft.
Sect. 19-1	Side yard is insufficient	10 ft.	2 ft.
Sect. 20-1	Rear yard is insufficient	40 ft.	1 ft.
Sect. 24-1	Off-street loading is insufficient	1 space	0

The property contains approximately 16,600 square feet of vacant land and is located directly opposite 501 Lincoln Street in a Residential (R-.8) district. The proposed office structure would, in this instance, constitute an undesirable land use in the existing residential neighborhood. Recommend denial.

VOTED: That in connection with Petitions Nos. Z-1294-Z-1295, brought by Harold Indursky, 501-510 Lincoln Street, Brighton, for two Forbidden Use Permits and variances of insufficient lot area for additional unit, front, side, rear yards, off-street loading and excessive floor area ratio to erect (2) two story office and warehouse buildings in a Residential (R-.8) and Local Business (L-1) districts, the Boston Redevelopment Authority recommends approval of Petition No. Z-1294 (501 Lincoln St.), provided the required loading bay is supplied, and denial of Petition No. Z-1295 (510 Lincoln Street). The proposal for 501 Lincoln

Street would serve as a desirable transitional land use between a major traffic artery and a residential neighborhood whereas the proposal for 510 Lincoln Street would constitute an undesirable encroachment on the existing residential neighborhood.

Re: Petitions Nos. Z-1290-Z-1293
 Boston Housing Authority
 91-97, 101, 105-111 Davison Street &
 110-112 Pierce Street, Hyde Park

Petitioner seeks three Forbidden Use Permits and multiple variances to erect (3) two story buildings containing a total of 40 housing units for the elderly and a one story community lounge building in a Residential (R-.5) and Local Business (L-.5) districts. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
<u>91-97 Davison Street - 16 units</u>			
Sect. 8-7	A multi-family dwelling is Forbidden in an R-.5 district		
Sect. 14-1	Minimum lot area is insufficient	2 acres	52,247 sq. ft.
Sect. 14-2	Lot area for additional dwelling unit is insufficient	3000 sq.ft./du	0
Sect. 15-1	Floor Area Ratio is excessive	0.5	1.3
Sect. 17-1	Usable open space is insufficient	1000 sq.ft./du	
Sect. 20-1	Rear yard is insufficient	40 ft.	14 ft.
Sect. 23-1	Off-street parking is insufficient	20 spaces	2 spaces
<u>101 Davison Street - Community Building</u>			
Sect. 8-7	A community center building in an R-.5 district requires a Board of Appeal hearing		
Sect. 14-1	Minimum lot area is insufficient	2 acres	52,247 sq. ft.
Sect. 14-2	Lot area for additional dwelling unit is insufficient	3000 sq.ft./du	0
Sect. 14-5	Distance between buildings is insufficient	80 ft.	50 ft.
Sect. 15-1	Floor area ratio is excessive	0.5	1.3
Sect. 23-2	Off-street parking is insufficient	20 spaces	1 space
<u>105-111 Davison Street - 16 units</u>			
Sect. 8-7	A multi-family dwelling is Forbidden in an R-.5 district		
Sect. 14-1	Lot area is insufficient	2 acres	52,247 sq. ft.
Sect. 14-2	Lot area for additional dwelling unit is insufficient	3000 sq.ft./du	0
Sect. 15-1	Floor area ratio is excessive	0.5	1.3
Sect. 17-1	Usable open space is insufficient	1000 sq.ft./du	
Sect. 18-4	Front yard is insufficient	25 ft.	0
Sect. 23-1	Off-street parking is insufficient	20 spaces	2 spaces
<u>110-112 Pierce Street - 8 units</u>			
Sect. 8-7	A multi-family dwelling is Forbidden in an R-.5 district		
Sect. 14-1	Minimum lot area is insufficient	2 acres	52,247 sq. ft.
Sect. 14-2	Lot area for additional dwelling unit is insufficient	3000 sq.ft./du	0
Sect. 14-5	Distance between buildings is insufficient	80 ft.	50 ft.
Sect. 15-1	Floor area ratio is excessive	0.5	1.3
Sect. 17-1	Usable open space is insufficient	1000 sq.ft./du	
Sect. 18-1	Front yard is insufficient	25 ft.	12 ft.
Sect. 23-1	Off-street parking is not provided	20 spaces	2 spaces

The property, located on Davison and Pierce Streets, contains approximately 1.1 acres of vacant land. The area, predominantly single family residences, is an appropriate location for housing for the elderly. However, the scale of the proposed development, buildings #1 and #3 are 180 feet in length, establishes a form and massing which is inconsistent with the texture of the surrounding neighborhood. Smaller building elements organized in a less regular way would produce a site design more appropriate with its surroundings. Site elements within the project should be more organized to provide a larger amount of relatively private outdoor space for the residents of the proposed housing. The landscape treatment is minimal and does not effectively integrate the development into the neighborhood. The staff is not opposed to the construction of Housing for the Elderly on this site, but rather, is opposed to the planning and design of the proposed development as it relates to the surrounding area.

VOTED: That in connection with Petitions Nos. Z-1290-Z-1293 brought by Boston Housing Authority, 91-97, 101, 105-111 Davison Street & 110-112 Pierce Street, Hyde Park, for three Forbidden Use Permits and variances of insufficient lot area, lot area for additional dwelling unit, open space, distance between buildings, front yard, rear yard, off-street parking and excessive floor area ratio to erect (3) two story buildings containing a total of 40 housing for elderly units and a one story community lounge building in a Residential (R-.5) and Local Business (L-.5) districts, the Boston Redevelopment Authority recommends approval provided that the petitioners submit their development plans for review by the Boston Redevelopment Authority to ensure that the proposal is consistent, in terms of planning and design, with the existing character of the area. The scale of the proposed development, buildings #1 and 3 are 180 feet in length, establishes a form and massing which is inconsistent with the texture of the surrounding neighborhood. Smaller building elements organized in a less regular way would produce a site design more appropriate with its surroundings. Site elements within the project should be more organized to provide a larger amount of relatively private outdoor space for the residents of the proposed housing. The landscape treatment is minimal and does not effectively integrate the development into the neighborhood.

